

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RACHEL FREEDMAN, and
JEFFREY GREENBERG, individually and
on behalf of all others similarly situated,
Plaintiff,

v.

DAN O'BRIEN KIA NORWOOD,
DMO NORWOOD, LLC, and
DAN O'BRIEN AUTO GROUP
Defendants.

C.A. No.: 1:20-cv-11369-RWZ

MOTION TO REMAND

Plaintiffs Rachel Freedman and Jeffrey Greenberg, individually and on behalf of all others similarly situation respectfully move pursuant to 28 U.S.C., § 1447(c) that the Court remand this case to the Massachusetts Superior Court for Middlesex County. Defendants Dan O'Brien Kia Norwood, DMO Norwood, LLC and Dan O'Brien Auto Group have failed to properly establish that this Court has subject matter jurisdiction over the claim. This is because it failed to timely remove within thirty (30) days and also failed to satisfy its burden that the \$5 million amount-in-controversy requirement has been satisfied.

Plaintiffs submit a Memorandum of Law in support of this motion.

Respectfully Submitted,

/s/ Joshua N. Garick

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Counsel for Plaintiffs and the Class

Dated: August 18, 2020

LOCAL RULE 7.1(A)(2) CERTIFICATE

I certify that, in compliance with Local Rule 7.1(a)(2), I conferred with counsel for the defendant and have attempted in good faith to resolve or narrow the issues that are the subject of this motion.

/s/ Joshua N. Garick

Joshua N. Garick, Esq.

Dated: August 18, 2020

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2020, the foregoing was filed electronically using the Court's CM/ECF system which will send notification of such filing to all registered individuals.

/s/ Joshua N. Garick

Joshua N. Garick, Esq.

Dated: August 18, 2020